



Senate

General Assembly

January Session, 2003

File No. 257

Senate Bill No. 1010

Senate, April 9, 2003

The Committee on Human Services reported through SEN. HANDLEY of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING STATE ASSISTANCE TO LEGAL IMMIGRANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-112c of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective from passage*):

3 [(a)] Qualified aliens, as defined in Section 431 of Public Law 104-
4 193, who do not qualify for federally-funded cash assistance, other
5 lawfully residing immigrant aliens or aliens who formerly held the
6 status of permanently residing under color of law shall be eligible for
7 solely state-funded temporary family assistance or cash assistance
8 under the state-administered general assistance program, provided
9 other conditions of eligibility are met. An individual who is granted
10 assistance under this section must pursue citizenship to the maximum
11 extent allowed by law as a condition of eligibility unless incapable of
12 doing so due to a medical problem, language barrier or other reason as
13 determined by the Commissioner of Social Services. Notwithstanding

14 the provisions of this section, any qualified alien or other lawfully
15 residing immigrant alien or alien who formerly held the status of
16 permanently residing under color of law who is a victim of domestic
17 violence or who has mental retardation shall be eligible for assistance
18 under this section. [The commissioner shall not accept new
19 applications for assistance under this subsection after June 30, 2003.

20 (b) Notwithstanding the provisions of subsection (a) of this section:
21 (1) A qualified alien admitted into the United States on or after August
22 22, 1996, or other lawfully residing immigrant alien determined
23 eligible for temporary family assistance or cash assistance under the
24 state-administered general assistance program prior to July 1, 1997, or
25 other lawfully residing immigrant alien or alien who formerly held the
26 status of permanently residing under color of law, shall remain
27 eligible, and (2) a qualified alien, other lawfully residing immigrant
28 alien admitted into the United States on or after August 22, 1996, other
29 lawfully residing immigrant alien or an alien who formerly held the
30 status of permanently residing under color of law and not determined
31 eligible prior to July 1, 1997, shall be eligible for such assistance
32 subsequent to six months from establishing residency in this state.

33 (c) Notwithstanding the provisions of this section, a qualified alien
34 or other lawfully residing immigrant alien or alien who formerly held
35 the status of permanently residing under color of law who is a victim
36 of domestic violence or who has mental retardation shall be eligible for
37 assistance under this section.]

38 Sec. 2. Subsection (e) of section 17b-116 of the general statutes is
39 repealed and the following is substituted in lieu thereof (*Effective from*
40 *passage*):

41 (e) Persons domiciled and residing in Connecticut or who have no
42 other residence, and who are United States citizens or who have been
43 admitted as qualified aliens, as defined in Section 431 of Public Law
44 104-193, into the United States prior to August 22, 1996, or other
45 lawfully residing immigrant aliens or aliens who formerly held the
46 status of permanently residing under color of law shall be eligible for

47 support under the general assistance program. [A qualified alien
48 admitted into the United States on or after August 22, 1996, or other
49 lawfully residing immigrant alien determined eligible for general
50 assistance prior to July 1, 1997, shall remain eligible for such assistance.
51 Qualified aliens or other lawfully residing immigrant aliens admitted
52 into the United States on or after August 22, 1996, and not determined
53 eligible for assistance prior to July 1, 1997, shall be eligible for such
54 assistance subsequent to six months from establishing residency in this
55 state.] Qualified aliens [must] shall pursue citizenship to the maximum
56 extent allowed by law as a condition of eligibility for the general
57 assistance program unless incapable of doing so due to a medical
58 problem, language barrier or other reason as determined by the
59 Commissioner of Social Services. Notwithstanding the provisions of
60 this subsection, any qualified alien or other lawfully residing
61 immigrant alien or alien who formerly held the status of permanently
62 residing under color of law who is a victim of domestic violence or
63 who has mental retardation shall be eligible for general assistance. [No
64 town shall accept applications for assistance under this section from
65 qualified aliens, as defined in Section 431 of Public Law 104-193, or
66 other lawfully residing immigrant aliens or aliens who formerly held
67 the status of permanently residing under color of law on or after June
68 30, 2002.]

69 Sec. 3. Section 17b-257b of the general statutes is repealed and the
70 following is substituted in lieu thereof (*Effective from passage*):

71 Qualified aliens, as defined in Section 431 of Public Law 104-193,
72 admitted into the United States on or after August 22, 1996, other
73 lawfully residing immigrant aliens or aliens who formerly held the
74 status of permanently residing under color of law who have been
75 determined eligible for Medicaid or for state-administered general
76 assistance medical aid prior to July 1, 1997, may be eligible for state-
77 funded medical assistance which shall provide coverage to the same
78 extent as the Medicaid program, state-administered general assistance
79 medical aid or the HUSKY Plan, Part B provided other conditions of
80 eligibility are met. [Such qualified aliens or lawfully residing

81 immigrant aliens or aliens who formerly held the status of
82 permanently residing under color of law who have not been
83 determined eligible for Medicaid or for state-administered general
84 assistance medical aid prior to July 1, 1997, shall be eligible for state-
85 funded assistance or the HUSKY Plan, Part B subsequent to six months
86 from establishing residency in this state. The Commissioner of Social
87 Services shall not accept applications for assistance pursuant to this
88 section on or after June 30, 2003. Notwithstanding the provisions of
89 this section, any qualified alien or other lawfully residing immigrant
90 alien or alien who formerly held the status of permanently residing
91 under color of law who is a victim of domestic violence or who has
92 mental retardation shall be eligible for state-funded assistance or the
93 HUSKY Plan, Part B pursuant to this section.] Only individuals who
94 are not eligible for Medicaid shall be eligible for state-funded
95 assistance pursuant to this section.

96 Sec. 4. Subsection (a) of section 17b-342 of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective from*
98 *passage*):

99 (a) The Commissioner of Social Services shall administer the
100 Connecticut home-care program for the elderly state-wide in order to
101 prevent the institutionalization of elderly persons (1) who are
102 recipients of medical assistance, (2) who are eligible for such
103 assistance, (3) who would be eligible for medical assistance if residing
104 in a nursing facility, or (4) who meet the criteria for the state-funded
105 portion of the program under subsection (i) of this section. For
106 purposes of this section, a long-term care facility is a facility which has
107 been federally certified as a skilled nursing facility or intermediate care
108 facility. The commissioner shall make any revisions in the state
109 Medicaid plan required by Title XIX of the Social Security Act prior to
110 implementing the program. The annualized cost of the community-
111 based services provided to such persons under the program shall not
112 exceed sixty per cent of the weighted average cost of care in skilled
113 nursing facilities and intermediate care facilities. The program shall be
114 structured so that the net cost to the state for long-term facility care in

115 combination with the community-based services under the program
116 shall not exceed the net cost the state would have incurred without the
117 program. The commissioner shall investigate the possibility of
118 receiving federal funds for the program and shall apply for any
119 necessary federal waivers. A recipient of services under the program,
120 and the estate and legally liable relatives of the recipient, shall be
121 responsible for reimbursement to the state for such services to the
122 same extent required of a recipient of assistance under the state
123 supplement program, medical assistance program, temporary family
124 assistance program or food stamps program. [Only a United States
125 citizen or a noncitizen who meets the citizenship requirements for
126 eligibility under the Medicaid program shall be eligible for home-care
127 services under this section, except a qualified alien, as defined in
128 Section 431 of Public Law 104-193, admitted into the United States on
129 or after August 22, 1996, or other lawfully residing immigrant alien
130 determined eligible for services under this section prior to July 1, 1997,
131 shall remain eligible for such services. The Commissioner of Social
132 Services shall not accept applications for assistance pursuant to this
133 section from a qualified alien, as defined in Section 431 of Public Law
134 104-193, or other lawfully residing immigrant alien after June 30, 2003.
135 Qualified aliens or other lawfully residing immigrant aliens not
136 determined eligible prior to July 1, 1997, shall be eligible for services
137 under this section subsequent to six months from establishing
138 residency. Notwithstanding the provisions of this subsection, any
139 qualified alien or other lawfully residing immigrant alien or alien who
140 formerly held the status of permanently residing under color of law
141 who is a victim of domestic violence or who has mental retardation
142 shall be eligible for assistance pursuant to this section.] Qualified
143 aliens, as defined in Section 431 of Public Law 104-193, or other
144 lawfully residing immigrant aliens or aliens who formerly held the
145 status of permanently residing under color of law shall be eligible for
146 services under this section provided other conditions of eligibility are
147 met.

148 Sec. 5. Subsection (a) of section 17b-790a of the general statutes is
149 repealed and the following is substituted in lieu thereof (*Effective from*

150 *passage*):

151 (a) The Commissioner of Social Services, within available
152 appropriations, shall establish a food assistance program for
153 individuals entering the United States prior to April 1, 1998, whose
154 immigrant status meets the eligibility requirements of the federal Food
155 Stamp Act of 1977, as amended, but who are no longer eligible for food
156 stamps solely due to their immigrant status under Public Law 104-193.
157 [The commissioner shall not accept new applications for assistance
158 under this section after June 30, 2003. Individuals who enter the United
159 States after April 1, 1998, must have resided in the state for six months
160 prior to becoming eligible for the state program.] The commissioner
161 may administer such program in accordance with the provisions of the
162 federal food stamp program, except those pertaining to the
163 determination of immigrant status under Public Law 104-193.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>

HS *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Department of Social Services	GF - Cost	\$2 million	\$2 million

Municipal Impact: None

Explanation

This bill would continue state funded assistance to legal immigrants currently served under the Temporary Family Assistance, State-Administered General Assistance, State funded medical assistance, HUSKY Part B, the Connecticut Home Care Program, and Food Stamps. Current statute requires that these programs cease taking new applications effective June 30, 2003. There are approximately 3,500 legal immigrants currently enrolled in these programs. Based on recent enrollment patterns, it is estimated that reopening the programs will result in approximately 235 new enrollees per month. The cost of benefits due to this continuation of enrollment is estimated to be \$2 million annually.

OLR Bill Analysis

SB 1010

AN ACT CONCERNING STATE ASSISTANCE TO LEGAL IMMIGRANTS**SUMMARY:**

This bill continues eligibility for solely state-funded public assistance indefinitely for legal immigrants barred from federally funded programs. Current law generally prohibits acceptance of new applicants after June 30, 2003. The bill also removes the current six-month residency requirement for new applicants who did not become eligible for the programs before July 1, 1997 (or April 1, 1998 for food stamps).

The programs for which these legal immigrants are eligible include state-funded portions of Temporary Family Assistance (TFA), the State-Administered General Assistance program (SAGA), town general assistance (GA), state-funded medical assistance equivalent to Medicaid, SAGA medical aid, HUSKY Part B (the state's children's health insurance program), the Connecticut Home Care Program for Elders, and Food Stamps. If they receive such assistance, the law requires them to pursue citizenship to the maximum extent allowed, unless they cannot do so for a variety of reasons.

EFFECTIVE DATE: Upon passage

BACKGROUND***Federal Welfare Reform Law's Effects on Legal Immigrants***

The 1996 federal welfare reform law (PL 104-193, 8 U.S.C. § 1601 *et seq.*) barred immigrants who are not "qualified aliens" as defined in federal law (8 U.S.C. § 1641) from most federally funded public assistance programs, including TFA and Medicaid. Even "qualified aliens" who enter the U.S. legally as permanent residents after the law's effective date, August 22, 1996, cannot receive federally funded public assistance for their first five years here (8 U.S.C. § 1613(a)). But the federal law makes some exceptions. It allows qualified aliens who are

refugees or have been granted asylum and certain other disadvantaged groups to qualify for assistance immediately for up to either five or seven years, depending on the program. Also, permanent resident aliens who have worked here for 10 years and those who are veterans of, or on active duty with, the U.S. armed forces and their spouses and children have no time restrictions on their eligibility. All qualified aliens admitted into this country before August 22, 1996 remain eligible for federally funded assistance programs.

Congress has recently restored federal food stamps for (1) most legal immigrants who have been in the U. S. for at least five years, (2) qualified children, and (3) qualified disabled immigrants who are receiving benefits for their condition regardless of their date of entry to the U. S. (P. L. 107-171, § 4401, 8 USC § 1612).

Connecticut's State-Funded Immigrant Programs

Federal law permits states to enact laws setting up separate state-funded programs for legal immigrants. In 1997, Connecticut established temporary two-year, state-funded programs for qualified aliens and other lawfully residing immigrant aliens barred from the federal programs and extended the programs several times over the years. In 2000, it also made people who formerly held "permanently residing under color of law" (PRUCOL) immigration status eligible for these state-funded programs. (Prior to federal immigration reform, the Immigration and Naturalization Service assigned PRUCOL status to noncitizens without permanent resident status whom the agency chose not to deport. Because INS now classifies many who had this status as "non-immigrants," some were ineligible for state assistance before the 2000 change.)

In 2001, the legislature made the programs permanent, but kept them open to new applicants for only another year. In 2002, it extended this cutoff date for new applicants once more so that currently the last day for legal immigrants who are barred from federal programs to apply for state-funded programs is June 30, 2003. After that date, the state-funded immigrant programs will be closed to new applicants under current law.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Report
Yea 16 Nay 2